#### INSTRUCTIONS FOR COMPLETION OF APPLICATION FOR:

### MORTGAGE LOAN COMPANY OR MORTGAGE LOAN BROKER

Please Mail Application to: Department of Financial Institutions 1025 Capital Center Drive, Suite 200 Frankfort, Kentucky 40601

THE PACKAGE YOU HAVE RECEIVED CONTAINS THE FOLLOWING PERTINENT INFORMATION NEEDED TO MAKE APPLICATION TO THE DEPARTMENT OF FINANCIAL INSTITUTIONS. **PROCESSING TIME FOR A COMPLETED APPLICATION IS APPROXIMATELY 45 DAYS.** 

- A) KENTUCKY REVISED STATUTES CHAPTER 294. PLEASE READ THIS THOROUGHLY BEFORE APPLYING FOR A LICENSE. MANY OF APPLICANT'S PRESENT AND FUTURE QUESTIONS ARE ANSWERED IN THE STATUTES. IN ADDITION, PLEASE CONSULT OUR WEB SITE www.dfi.ky.gov FOR ANY NEW LEGISLATION.
- B) THE APPLICATION FORM. THIS FORM IS USED FOR APPLYING EITHER FOR A MORTGAGE LOAN COMPANY LICENSE (WHICH IS DEFINED AS A LENDER AND/OR SERVICER), OR AS A MORTGAGE LOAN BROKER. THIS SHOULD BE COMPLETED AS SPECIFICALLY INSTRUCTED, SIGNED AND NOTARIZED. HUD APPROVED ENTITIES ARE EXEMPT FROM LICENSING BUT MUST FORMALLY REGISTER WITH THE DEPARTMENT.
- C) STATE LICENSE CONFIRMATION FORM. THIS FORM IS ONLY FOR APPLICANTS WHO ARE CURRENTLY LICENSED AND OPERATING IN ANOTHER STATE(S). PLEASE COMPLETE THE "APPLICANT" PORTION AND FORWARD TO ALL STATES APPLICABLE.
- D) SURETY BOND FOR MORTGAGE LOAN COMPANY \*\*
- E) SURETY BOND FOR MORTGAGE LOAN BROKER \*\*

\*\*PLEASE MAKE SURE YOU COMPLETE THE APPROPRIATE BOND AND THAT IT HAS THE COMPLETE **LEGAL NAME AND CORRECT ADDRESS OF THE PRINCIPAL OFFICE TO BE LICENSED.** ALSO, MAKE SURE THAT IT IS SIGNED BY ALL PARTIES AND NOTARIZED.

THE FOLLOWING NAMES AND NUMBERS ARE LISTED FOR YOUR CONVENIENCE:

DEPARTMENT OF FINANCIAL INSTITUTIONS 502-573-3390

LICENSING AND APPLICATION QUESTIONS - GARY THURMAN EXT. 251
EXAMINATION AND REGULATORY QUESTIONS - SHELBY MERRITT EXT. 253
LEGAL OPINIONS - OFFICE OF GENERAL COUNSEL EXT. 232
CONSUMER COMPLAINTS - ANDIE CUBERT EXT. 226

KENTUCKY SECRETARY OF STATE - 502-564-2848
KENTUCKY MORTGAGE BROKERS ASSOCIATION - JON MCCAIN, 502-223-4840
KENTUCKY MORTGAGE BANKERS ASSOCIATION – SHARON DECKER, 502-459-7997

### **EDUCATION PROVIDERS**

PLEASE REFER TO OUR WEB SITE – <a href="www.dfi.ky.gov">www.dfi.ky.gov</a> - FOR A CURRENT LIST OF APPROVED EDUCATION PROVIDERS FOR BOTH THE BROKER 30-HOUR COURSE AND CONTINUING EDUCATION FOR BROKERS AND LOAN OFFICERS.



### DEPARTMENT OF FINANCIAL INSTITUTIONS

1025 CAPITAL CENTER DRIVE, SUITE 200
FRANKPORT, KENTUCKY 40601
TELE, 502/573-3390
Fax 502/573-8787

COMMERCIANTE

PAUL E. PATTON GOVERNOR

## APPLICATION FOR A MORTGAGE LOAN COMPANY OR A MORTGAGE LOAN BROKER LICENSE PURSUANT TO KENTUCKY REVISED STATUTES CHAPTER 294

COMPLETE ALL SCHEDULES USING AS MANY SEPARATE PAGES
AS NECESSARY TO COMPLETE THE APPLICATION. PLEASE NUMBER
EACH RESPONSE ACCORDING TO THE CATEGORY LISTED BELOW.
IF A QUESTION IS NOT APPLICABLE, PLEASE SO STATE.
PLEASE TYPE OR PRINT IN INK

# INCOMPLETE OR UNANSWERED QUESTION SHALL RESULT IN TIME DELAYS OR RETURNED APPLICATIONS

\*STOP\*

IF THE APPLICANT HAS <u>ANY TYPE OF HUD APPROVAL</u>, THEY ARE EXEMPT FROM LICENSING; HOWEVER, FORMAL REGISTRATION IS REQUIRED. THE REGISTRATION FORM IS ON OUR WEB SITE AT www.dfi.ky.gov.

	DATE:
To the Commissioner, Kentucky Department of Fin	ancial Institutions:
The following hereby makes application for a licens Loan Company OR Mortgage Loan Broker _ Statutes Chapter 294 at the following principal loc	business as provided in Kentucky Revised
(Complete Legal Name of Entity to be licensed - to	include Assumed Name "DBA")
(Street Address, Suite or Apartment Number)	
(City or Town, County, State, Zip Code)	
(Telephone Number)	(FAX Number)

\*Licenses are ADDRESS specific. Please show the correct street address of the proposed place of business. MORTGAGE <u>BROKERS</u> MUST HAVE AN OFFICE IN KENTUCKY. Most landlords will offer a lease on a "contingent" basis for potential clients who are starting a business that requires licensing.

(Name of primary contact person to discuss application questions)

The following schedules, which include the information required by Kentucky Revised Statutes Chapter 294, request information needed to enable the Commissioner of the Department of Financial Institutions to determine the feasibility of permitting the applicant to engage in operating a mortgage loan company or mortgage loan brokerage business. An applicant may either be a sole proprietor, a partnership, a corporation, a LLC or a LLP. REMEMBER, ANSWER EACH QUESTION COMPLETELY. IF IT IS NOT APPLICABLE, PLEASE SO STATE.

- Please state if the Applicant is presently engaged in the business as a Mortgage Loan Company (lender and/or servicer) or Mortgage Loan Broker in any other State. If YES, list the states in which Applicant is operating, the type of license held, and the date business was commenced in these states. Fill out the enclosed STATE LICENSE CONFIRMATION form, per instructions, and <u>forward</u> to all states in which you are currently licensed.
- 2. a) If INDIVIDUAL (SOLE PROPRIETOR) is applying, please give complete name (first, middle/maiden, last) social security number, residence address and phone number, and business address and phone number.
  - b) If PARTNERSHIP or a LLP is applying, please give complete name, social security number, residence address and phone number, business address and phone number, and PERCENT of ownership of each partner.
  - c) If CORPORATION or a LLC is applying, please give complete name, social security number, residence address and phone number, business address and phone number and PERCENT of ownership of officers, directors and anyone owning more than ten percent (10%).
- 3. a) If INDIVIDUAL is applying, please submit a copy of the required local business registration. If you are using an Assumed Name "DBA", this also has to be registered with local government and a copy sent to the Department.
  - b) If PARTNERSHIP, LLP, CORPORATION or LLC is applying, please submit copies of Partnership agreements, Articles of Incorporation, etc., and related appropriate filings, which have been file stamped by the KENTUCKY SECRETARY OF STATE. This includes Certificates of Assumed Name (DBA). Out of State Corporations shall obtain a Certificate of Authority to do business in Kentucky. Please include corporate tax I.D. number.
- 4. If applying for a mortgage loan **BROKER** license, submit a **Compiled** financial statement of the applicant prepared by a licensed or certified public accountant. **If this is a new venture, it must be capitalized sufficiently to carry on a new business. An initial balance sheet, as well as a 12 month projected cash flow statement and business plan, must be submitted. This CPA prepared financial statement must be submitted, even for a brand new venture. Sufficient capital must be put into the business and be reflected in the 12 month projections to show the ability to maintain this new business at least through the first year.**
- 5. If applying for a mortgage loan COMPANY license, submit a Reviewed or Audited financial statement prepared by a licensed or certified public accountant. Pursuant to KRS 294.032(3), "No mortgage loan company license may be granted unless the applicant has and maintains, so long as the license is in effect, a minimum, documented funding source (liquidity) of five hundred thousand dollars (\$500,000). If a mortgage loan company has a net worth in excess of five hundred thousand dollars (\$500,000), an additional funding source is not required." The funding source may be a documented (signed and dated) Warehouse Line of Credit. Please submit copy. If this is a new venture, an initial balance sheet, as well as a 12 month projected cash flow statement and business plan, must be submitted.
- 6. Submit a resume of the owners and managers.

- 7. Submit current, signed and dated, financial statements (balance sheet) on any person or entity owning more than ten percent (10%) of the Applicant. This does not have to be prepared by a CPA.
- 8. If you are engaged, or intend to engage, in any business other than that allowed by KRS Chapter 294, please state the name and type of business conducted.
- 9. If any other entity is conducting business at the proposed licensed location(s), please state the name and type of business conducted. If the proposed office is in an office building or shopping center with numerous other businesses, so state and do not list the other businesses.
- 10. If applying for a **Mortgage loan broker** license, please submit the enclosed **"BROKER"** Surety Bond in the required amount of \$50,000. If applying for a **Mortgage loan company** license, please submit the enclosed **"COMPANY"** Surety Bond in the required amount of \$100,000.
- 11. List the name and address of any AFFILIATES (businesses with common ownership) of the Applicant and its owners.
- 12. Should the APPLICANT want to open additional branch offices (in Kentucky) at this time, please list the complete street address, phone number and manager's name. (Should the Applicant wish to open a branch office in Kentucky anytime in the future, please submit a written request to the Department to include the above information and the required license fee.)
  - a. Has the Applicant or any of its owners, employees, agents, officers, or directors ever been convicted in any state or federal court of any crime (not including motor vehicle traffic misdemeanors)?
    YES\_\_\_\_\_ NO\_\_\_\_ \*\*\*
    b. Has the Applicant or any of its owners, employees, agents, officers, or directors ever been the subject of any disciplinary actions (cease and desist orders, consent orders, injunctions, license suspensions, or revocation, etc.) by any regulatory agency, state or federal or have any of the aforementioned been associated in any capacity with a company who has been the subject of any disciplinary actions?
    YES\_\_\_\_ NO\_\_\_ \*\*\*
    c. Has the Applicant or any of its owners, employees, agents, officers, or directors ever been refused any license by the Department of Financial Institutions or any other state or federal government agency (except motor vehicle operator) or has such an application ever been withdrawn or have any of the aforementioned been associated in any capacity with a company who has been refused any license?

d. Has the Applicant or any of its owners, employees, agents, officers, or directors ever been a party to litigation in which it was alleged that the Applicant, owner, employee, agent, officer or director: engaged in fraudulent or dishonest conduct; failed to comply with any state or federal regulatory requirements; or committed any breach of contract or tort relating to their business dealings or have any of the aforementioned been associated in any capacity with a company who was alleged to be or has been found guilty of engaging in fraudulent or dishonest conduct; failed to comply with any state or federal regulatory requirements; or committed any breach of contract or tort relating to their business?

YES	NO	***

YES\_\_\_\_ NO \*\*\*

\*\*\* If the answer to any of the foregoing is YES, explain the circumstances fully, using as many additional sheets as necessary. Please include any pertinent documentation. \*\*\*

- 14. If any of the owners of the Applicant know of any derogatory information on their personal credit report, please have the individual submit a written explanation and any pertinent documentation (paid receipts, agreed orders, etc.)
- 15. Please submit the completed application together with the appropriate fees as follows: a) an investigation fee of three hundred dollars (\$300) for the principal office and one hundred fifty dollars (\$150) for each branch office (in Kentucky) . . . AND . . . . b) if applying on or between July 1 and December 31, an initial license fee of four hundred fifty dollars (\$450) for the principal office and two hundred fifty dollars (\$250) for each branch office (in Kentucky).

  If the applicant applies for a license on or between January 1 and June 30, an initial license fee of one hundred fifty dollars (\$150) for the principal office and one hundred dollars (\$100) for each branch. The check shall be made payable to the KENTUCKY STATE TREASURER.
- 16. MORTGAGE BROKERS ONLY Please submit proof of completion of the required 30-Hour educational course pursuant to KRS Chapter 294.032(6). This applies to all NEW Brokers and any Broker who has been licensed in another State for LESS THAN ONE (1) YEAR. ALL OWNERS of 20% or more of the Applicant are required to take this course.
- 17. MORTGAGE BROKERS ONLY A PHYSICAL LOCATION IN KENTUCKY IS REQUIRED AND NO POST OFFICE BOX IS ALLOWED. THIS OFFICE SHALL HAVE A STREET ADDRESS AND SHALL BE ACCESSIBLE TO THE GENERAL PUBLIC AS A PLACE OF BUSINESS AND SHALL HOLD ITSELF OPEN ON A REGULAR BASIS DURING POSTED HOURS, UNLESS THE OFFICE IS IN THE RESIDENCE OF THE MORTGAGE LOAN BROKER. Pursuant to KRS Chapter 294.032 (7)(a), the following will be required: a) a statement as to whether the proposed office is a residence\* \*, b) photographs of the exterior, interior and exterior sign (three pictures, one of each, is sufficient), c) if office is LEASED, submit signed copy of lease which shall be for a term of at least one(1) year, to include the names of the people working at this office. Executive or "Shared" Office Space is permitted. All Kentucky Loan files shall be kept at the licensed location and all future Examinations will be conducted at the licensed location(s).
  - \*\* RESIDENCE LOCATION if the physical location is a residence, it shall be the MAIN RESIDENCE of one of the OWNERS of 20% or more of the Applicant. This application shall include a signed/notarized letter from the owner of the residence stating that this is their Main Residence, a copy of the DEED or LEASE, and a letter from the local ZONING BOARD that requirements for an "IN-HOME" office have been met.

### **IMPORTANT NOTES:**

- a) EACH LICENSEE SHALL RENEW ON OR BEFORE JUNE 20 PRIOR TO THE JUNE 30 EXPIRATION DATE. RENEWAL NOTICES WILL BE SENT TO THE PRINCIPAL OFFICE. THE RENEWAL FEE WILL BE \$350 FOR THE PRINCIPAL OFFICE AND \$250 FOR EACH KENTUCKY BRANCH.
- b) THE DEPARTMENT SHALL BE NOTIFIED 15 DAYS IN ADVANCE IN THE EVENT OF A NAME CHANGE OR ADDRESS CHANGE. PLEASE SEND LETTER GIVING COMPLETE INFORMATION, THE "ORIGINAL" LICENSE CERTIFICATE", AND, IF THE CHANGE CONCERNS THE APPLICANT'S PRINCIPAL, LICENSED OFFICE, SUBMIT A RIDER FROM YOUR BONDING COMPANY SHOWING THE NEW NAME AND/OR ADDRESS.
- c) <u>PRIOR APPROVAL FOR CHANGE OF CONTROL</u> REFER TO KRS 294.075

PROHIBITION ON USE OF CERTAIN NAMES - REFER TO KRS 294.070(3)

\*\*\*READ KRS CHAPTER 294 – READ KRS CHAPTER 294 – READ KRS CHAPTER 294\*\*\*

AVOID VIOLATIONS AND MONETARY PENALTIES/FINES

\*\*\*ALSO REVIEW OUR WEB SITE FOR LEGISLATIVE CHANGES \*\*\*

#### SIGNATURE AND NOTARY PAGE FOR APPLICATION

#### AND

### CONSENT TO REQUEST CREDIT REPORT

As a part of its statutory responsibility, the Department of Financial Institutions is authorized to investigate applicants to determine eligibility for licensing. The Department is authorized generally to investigate any audits, examinations, complaints, reports, etc., suggesting the possibility of unlawful activity involving regulated institutions. In the course of its investigations, the Department of Financial Institutions may procure or cause to be prepared a consumer credit report on individual(s) or entity (ties).

The undersigned has informed each and every person or entity (whose names appear on the application) involved in the proposed enterprise that the Department of Financial Institutions may procure or cause to be prepared a consumer credit report on him/her/it. The undersigned is authorized by each and every person, or entity named on the application to give permission for the Department of Financial Institutions to procure or cause to be prepared such a report. In accordance with that authorization and permission, the undersigned, for himself or herself and as a representative and agent for each and every person or entity involved in this enterprise, acknowledges and gives permission for the Department of Financial Institutions to procure or cause to be prepared a consumer credit report on each and every person or entity involved in this application during the licensing process and any time thereafter should the Department be required to investigate any audits, examinations, complaints, reports, etc. Suggesting the possibility of unlawful activity.

Authorized Signature and Title	
STATE OF	
COUNTY OF	
I,	, hereby declare on my oath that I have
(name of person signing application)	
executed this application and that the facts sta state that I have read and will comply with Ke	ted in the application are true and correct. I further
state that I have read and win comply with ixe	ntucky Keviscu Statutes Chapter 254.
Signature of Applicant	
Subscribed and sworn to before me this	
day of	
Notary Public - State at Large	
My Commission Expires:	

## COMMONWEALTH OF KENTUCKY DEPARTMENT OF FINANCIAL INSTITUTIONS

### SURETY BOND FOR MORTGAGE LOAN BROKER

#### KNOW ALL MEN BY THESE PRESENTS:

		, as Principal, of	
(Applicants' Official Name)		(Applicants' Address)	
	, City of	, County of,	
State of	, and	as Surety,	
		, and licensed to transact	
business in the Sta	ate of Kentucky, are held and firi	nly bound unto the Commissioner, Department of	
<b>Financial Instituti</b>	ons, Commonwealth of Kentucky	, for the use and benefit of any person, as the term	
is defined in KR	S 294.010, as Obligee, in the pe	nal sum of fifty thousand dollars (\$50,000), the	
payment of whic	h Principal and Surety jointly	and severally bind themselves, their successors,	
assigns, heirs, and	legal representatives.		

This obligation is being entered into because the Principal has made or is about to make application to the Department of Financial Institutions, Commonwealth of Kentucky for a license to do business as a mortgage loan broker in Kentucky pursuant to the provisions of KRS Chapter 294, the Mortgage Loan Company and Mortgage Loan Broker Act, as amended, and any regulations promulgated thereunder.

## SECTION ONE CONDITION OF OBLIGATION

- A. If Principal fully complies with the provisions of KRS Chapter 294 and with all regulations and orders promulgated thereunder, or if Principal fully satisfies and discharges any judgment or decree rendered against Principal by a court of competent jurisdiction in a suit brought by any aggrieved person in which it is found that Principal violated a provision of KRS Chapter 294, then this obligation shall be null and void, otherwise the obligation shall remain in full force and effect.
- B. In order for liability to attach to Surety, a suit or action to enforce any liability on this bond must be brought within three (3) years from the date of the act upon which the suit or action is based.

## SECTION TWO DURATION

This obligation shall run continuously and shall remain in full force and effect until and unless the bond is terminated and canceled as provided herein or as otherwise provided by law.

## SECTION THREE TERMINATION

Surety may terminate its obligation hereunder by giving thirty (30) days written notice to Obligee and to Principal, but such notice shall not affect this agreement with respect to any obligation which may have arisen prior to the receipt of such notice by Obligee.

# SECTION FOUR EXTENT OF LIABILITY

The maximum amount of liability of surety by virtue of this obligation shall be no more than the penal sum specified in this obligation of fifty thousand dollars (\$50,000).

## SECTION FIVE RECOVERY OF ATTORNEYS' FEES

If any proceedings are brought to enforce the obligations agreed to herein, such reasonable attorneys' fees as the court may award shall be allowed to Obligee.

		nave executed this bond at,,
	, (P	
		Name of Principal
		BY:
		Name and Title
(SEAL)		Name of Surety
		Address of Surety
		BY:
		Name and Title
		(If Attorney-In-Fact, must attach valid
		Power of Attorney from Surety)
STATE OF		
COUNTY OF		
		e me byand y of,
	ua	y 01
		NORTARY PUBLIC - STATE AT LARGE
		My Commission Expires:

### COMMONWEALTH OF KENTUCKY DEPARTMENT OF FINANCIAL INSTITUTIONS

### SURETY BOND FOR MORTGAGE LOAN COMPANY

#### KNOW ALL MEN BY THESE PRESENTS:

that		_, as Principal, of
(Applicants' Official Name)		(Applicants' Address)
	, City of	, County of,
State of	, and	as Surety,
a corporation inc	orporated under the laws of $\_$	, and licensed to transact
business in the Sta	te of Kentucky, are held and fir	mly bound unto the Commissioner, Department of
Financial Institution	ons, Commonwealth of Kentucky	, for the use and benefit of any person, as the term
is defined in KRS	294.010, as Obligee, in the penal	sum of one hundred thousand dollars (\$100,000),
the payment of wl	hich Principal and Surety jointl	y and severally bind themselves, their successors,
assigns, heirs, and	legal representatives.	

This obligation is being entered into because the Principal has made or is about to make application to the Department of Financial Institutions, Commonwealth of Kentucky for a license to do business as a mortgage loan company in Kentucky pursuant to the provisions of KRS Chapter 294, the Mortgage Loan Company and Mortgage Loan Broker Act, as amended, and any regulations promulgated thereunder.

### SECTION ONE CONDITION OF OBLIGATION

- A. If Principal fully complies with the provisions of KRS Chapter 294 and with all regulations and orders promulgated thereunder, or if Principal fully satisfies and discharges any judgment or decree rendered against Principal by a court of competent jurisdiction in a suit brought by any aggrieved person in which it is found that Principal violated a provision of KRS Chapter 294, then this obligation shall be null and void, otherwise the obligation shall remain in full force and effect.
- B. In order for liability to attach to Surety, a suit or action to enforce any liability on this bond must be brought within three (3) years from the date of the act upon which the suit or action is based.

### SECTION TWO DURATION

This obligation shall run continuously and shall remain in full force and effect until and unless the bond is terminated and canceled as provided herein or as otherwise provided by law.

# SECTION THREE TERMINATION

Surety may terminate its obligation hereunder by giving thirty (30) days written notice to Obligee and to Principal, but such notice shall not affect this agreement with respect to any obligation which may have arisen prior to the receipt of such notice by Obligee.

## SECTION FOUR EXTENT OF LIABILITY

The maximum amount of liability of surety by virtue of this obligation shall be no more than the penal sum specified in this obligation of one hundred thousand dollars (\$100,000).

# SECTION FIVE RECOVERY OF ATTORNEYS' FEES

If any proceedings are brought to enforce the obligations agreed to herein, such reasonable attorneys' fees as the court may award shall be allowed to Obligee.

	and Surety have executed this bond at,,
· -	
	Name of Principal
	BY:
	Name and Title
(SEAL)	Name of Surety
	Address of Surety
	BY:
	Name and Title
	(If Attorney-In-Fact, must attach valid Power of Attorney from Surety)
STATE OF	
COUNTY OF	
	orn to before me byand
1	thisday of
	NORTARY PUBLIC - STATE AT LARGE
	My Commission Expires:

4/03



### DEPARTMENT OF FINANCIAL INSTITUTIONS 1025 CAPITAL CENTER DRIVE, SUITE 200 FRANKFORT, KENTUCKY 40601

Tele, 502/573-3390 Fax 502/573-8787

ELLA D. ROBINSON COMMISSIONER

PAUL E. PATTON GOVERNOR

### STATE LICENSE CONFIRMATION FORM

(T	be completed by APPLIC	ANT)	
Re	applying for a license pursivised Statutes Chapter 294	and Address of Applicant) uant to The Mortgage Loan Compa  1. I hereby authorize rtment of Financial Institutions any	any and Loan Broker Act, Kentucky (Name of State) to and all information requested.
(N	ame and Title)	(Signature)	(Date)
(T	o be completed by STATE	AGENCY and returned to address	above, <u>attn: Gary Thurman)</u>
A.	What type of license does and expiration date?	s the applicant currently hold? W	hat is the issue date, license number
В.	If a license was issued, die	d your agency conduct an investigat	tion?
C.	Does your agency conduc	t periodic examinations of the appli	icant?
D.	. Have any complaints against the applicant been filed with your agency in the past three year If yes, please give number, nature and disposition of the complaint(s).		
Е.	Has any disciplinary/enfo type, date and disposition		the applicant? If yes, please identify
Na	me/Title of Person Comple	ting Form:	
Αg	ency Name and Phone Nun	nber:	